

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE PEOPLE OF THE STATE OF NEW
YORK, by LETITIA JAMES, Attorney
General of the State of New York,

Plaintiff,

v.

ARM OR ALLY, LLC; BLACKHAWK
MANUFACTURING GROUP, INC.,
A/K/A 80 PERCENT ARMS, INC. OR 80
PERCENT ARMS; SALVO
TECHNOLOGIES, INC., A/K/A 80P
BUILDER OR 80P FREEDOM CO.;
BROWNELLS, INC., A/K/A
BROWNELLS OR BOB BROWNELL’S;
GS PERFORMANCE, LLC, A/K/A
GLOCKSTORE OR GSPC; KM
TACTICAL; PRIMARY ARMS, LLC;
RAINIER ARMS, LLC; AND ROCK
SLIDE USA, LLC,

Defendants.

Case No. 22-cv-06124 (JMF)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Defendants Arm or Ally, LLC, Blackhawk Manufacturing Group, Inc., GS Performance, LLC, KM Tactical, Rainier Arms, LLC, Brownells, Inc., Salvo Technologies, Inc., Primary Arms, LLC, and Rock Slide USA, LLC, (together “Defendants”), hereby appeal to the United States Court of Appeals for the Second Circuit from the Opinion and Order entered in this matter on February 23, 2024 (ECF No. 245). This appeal is from the District Court’s denial of immunity from suit under the Protection of Lawful Commerce in Arms Act, 15 U.S.C. §§ 7901-03, which is appealable under the collateral-order doctrine, and from the District Court’s holding that Defendants’ relevant products are “firearms” as defined in 18 U.S.C. § 921(a)(3), which is subject to pendent appellate jurisdiction.

Dated: March 22, 2024

Steven Jay Harfenist
HARFENIST KRAUT & PERLSTEIN, LLP

3000 Marcus Avenue
Suite 2e1
Lake Success, NY 11042
516-355-9600
Fax: 516-355-9601
sharfenist@hkplaw.com
Attorney for Arm or Ally LLC

Scott Charles Allan
RENZULLI LAW FIRM, LLP
One North Broadway Suite 1005
White Plains, NY 10601
(914) 285-0700
Fax: (914) 285-1213
sallan@renzullilaw.com
Attorney for Blackhawk Manufacturing Group, Inc.

Matthew D. Fender
MCGUIRE WOODS LLP
Gateway Plaza, 800 East Canal Street
Richmond, VA 23219
804-775-1076
Fax: 804-698-2209
mfender@mcguirewoods.com

Jason Cowley
MCGUIRE WOODS LLP
201 North Tryon Street
Suite 3000
Charlotte, NC 28202
704-343-2030
jcowley@mcguirewoods.com

Jean Paul Bradshaw , II
LATHROP GPM LLP
2345 Grand Blvd., Ste. 2200
Kansas City, MO 64108-2612
816-460-5507
Fax: 816-292-2001

/s/David H. Thompson
COOPER & KIRK, PLLC
David H. Thompson*
Brian W. Barnes*
1523 New Hampshire Ave., NW
Washington, DC 20036
(202) 220-9600
Fax: (202) 220-9601
dthompson@cooperkirk.com
bbarnes@cooperkirk.com
*Admitted *pro hac vice*
Attorneys for Defendant Brownells, Inc., a/k/a Brownells or Bob Brownell's; Salvo Technologies, Inc., a/k/a 80P Builder or 80P Freedom Co.; Primary Arms, LLC; and Rock Slide USA, LLC

Ryan Lawrence Erdreich
PISCIOTTI LALLIS ERDREICH
30 Columbia Turnpike
Suite 205
Florham Park, NJ 07932
973-245-8100
rerdreich@pisciotti.com

Richard Frederick Brueckner , Jr.
THE LAW OFFICES OF ALAN S. FUTERFAS
565 Fifth Ave., 7th Floor
New York, NY 10017
(212)-684-8400
Fax: (212)-684-5259
rbrueckner@pisciotti.com
Attorneys for GS Performance, LLC, a/k/a Glockstore or GSPC

Christopher Adams
**GREENBAUM ROWE SMITH & DAVIS
NEW JERSEY**
331 Newman Springs Road
Building 1, Suite 122
Red Bank, NJ 07701
732-476-2692
cadams@greenbaumlaw.com

jeanpaul.bradshaw@lathropgpm.com

Shoshanah Mae Shanes
LATHROP GPM LLP
7701 Forsyth Blvd.
Suite 500
Clayton, MO 63105
224-456-7099
shoshanah.shanes@lathropgpm.com

Tobias Jacob Fischer
MCGUIREWOODS LLP
1251 Avenue of the Americas
20th Floor
New York, NY 10020
212-548-2143
tfischer@mcguirewoods.com
Attorneys for KM Tactical

Jessica Maria Carroll
GREENBAUM ROWE SMITH & DAVIS
75 Livingston Ave.
Roseland, NJ 07068
973-577-1910
Fax: 973-577-1911
jcarroll@greenbaumlaw.com
Attorneys for Rainier Arms, LLC

CERTIFICATE OF SERVICE

I certify that this filing was served on all parties' counsel by the Court's Electronic Filing System on March 22, 2024.

/s/David H. Thompson

COOPER & KIRK, PLLC

David H. Thompson*

1523 New Hampshire Ave., NW

Washington, DC 20036

(202) 220-9600

Fax: (202) 220-9601

dthompson@cooperkirk.com

*Admitted *pro hac vice*

Attorneys for Defendant Brownells, Inc., a/k/a Brownells or Bob Brownell's; Salvo Technologies, Inc., a/k/a 80P Builder or 80P Freedom Co.; Primary Arms, LLC; and Rock Slide USA, LLC